

REMARKS

This response is being filed in reply to the Office Action mailed November 3, 2006. In that Office Action, claims 9, 10, and 12 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-3, 6-7, 9-10, 13-15, and 18-19 were rejected under § 102(b) as being anticipated by Endo et al. (U.S. Patent 4,182,989). Claims 5, 8, 12, 17, and 20 were rejected under § 103(a) as being unpatentable over Endo et al. in view of Myr (U.S. Publication No. 2001/0029425).

Status of Claims

Applicants note that the after-final amendment was not entered prior to appeal such that claims 1-20 were pending in the appeal. It is apparent from the Examiner's Office Action that the after-final amendment has now been entered, which has resulted in the cancellation of claims 4, 11, and 16. In the present amendment, claims 7, 9, 10, 12-15, and 17-20 are now being cancelled. Claims 21-32 have been added. Accordingly, claims 1-3, 5, 6, 8, and 21-32 are pending in the application.

Claims 1-3, 6, 30-32

Claim 1 is directed to a method for responding to digital vehicle requests and recites a number of steps, including the amended step of:

transmitting the *digital signal* from the telematics unit to a computer-end recipient at a call center node in communication with an information database, wherein the digital signal is sent to the computer-end recipient at the call center node *via a digital packet data protocol over a wireless network*.

This step is neither disclosed nor suggested in the prior art of record.

The step of transmitting the digital signal to a computer-end recipient at a call center node has been amended to clarify that the digital signal is sent to the computer-end recipient at the call center node via a digital packet data protocol over a wireless network. By "computer-end recipient" it is meant that the recipient is a computer such that the digital signal is received, processed, and responded to automatically via computer process and not using a live operator.

In the last Office Action, the Examiner noted that Endo does not disclose “transmitting the signal to the call center using a packet data connection.” (Office Action dated 11/3/06, p. 7, item 6). Instead, the Examiner relied on Myr as disclosing “transmitting the signal to the call center using a packet data connection.” (Office Action dated 11/3/06, p. 7, item 6; quoting Myr, par. 0101). The cited paragraph refers to FIG. 2 of Myr as presenting the configurations of the communication mode in the Myr system. Specifically, FIG. 2 shows that voice requests are transferred from a vehicle cellular phone to a GSM network server as a series of voice commands via a voice service. (Myr, FIG. 2, par. 101, lines 16-19).

The Myr passage relied upon by the Examiner does not teach or suggest that the “digital signal is sent from the telematics unit to the computer-end recipient at the call center node *via a digital packet data protocol over a wireless network*”. Rather, Myr teaches that the voice query is sent from the cellular phone to a GSM server over a voice channel. (Myr, FIG. 2, par. 0101, lns. 15-17). The GSM server then relays the voice query to a central traffic unit (CTU). (Myr, FIG. 2). Myr’s use of a voice channel to communicate voice queries from the vehicle means that Myr’s voice query is sent via a vocoder, and this approach is different than using a digital packet data protocol for the transmission to the call center. Furthermore, although Myr does teach that navigation directions are returned from the WAP server to the vehicle via a TCP/IP protocol, Myr teaches that the TCP/IP protocol is used due to the size requirements of the transferred navigation data from the CTU to the vehicle. (Myr, FIG. 2, par. 101, lines 35-37; par. 104, lines 15-17). FIG. 2 clearly shows that Myr transfers the voice request and manual route request to the GSM server over the GSM cellular voice channel, in contrast to the limitation of claim 1, and not via TCP/IP. Likewise, FIG. 2 shows that the only transmission sent directly between the cellular phone and the CTU is navigation data sent from the CTU.

Therefore, Applicant respectfully submits that claim 1 is patentable over the prior art because the prior art does not teach or suggest each and every limitation of claim 1, and even if it did, there is no teaching or motivation for combining Endo with the teachings of Myr.

Claims 2-3, 6, and newly added claims 30-32 ultimately depend from claim 1. In view of amended claim 1 and at least for the reasons articulated above, the Applicant respectfully submits that these claims patentably define over the prior art.

Claims 5 and 8

Regarding the § 103(a) rejection of claims 5 and 8, the Examiner combined the teachings of Endo and Myr and asserted that it would "be obvious to one of ordinary skill in the art at the time the invention was made to modify the vehicle of Endo et al. by specifically including the method further comprising: transmitting the signal to the call center using a packet data connection, as taught by Myr, the motivation being in order to provide traffic conditioning information, routes and navigation instructions. Additionally a driver can save time while driving." (Office Action dated 11/3/06, p. 7).

However, the motivation asserted by the Examiner ignores the fact that Myr and Endo are directed to different problems associated with different communication technologies and appear to be incompatible with one another. As such, there is not a proper motivation, suggestion, or incentive to combine them, as required by MPEP §2143.01. Endo is directed to an improvement in moving vehicle UHF communication wherein the transmitted data is compressed and sent in more of a "burst" fashion. These issues would no longer exist if you switch from the UHF communication taught in Endo to the cellular communication taught in Myr, since cellular communication is designed to allow switching between cells across large distances without losing the connection. Thus, there is no reason why one of ordinary skill in the art would switch to Myr's GSM communication system and still retain Endo's compressed "burst" transmission approach. Furthermore, it is not clear how the UHF system in Endo could be modified by the teachings of Myr, nor has the Examiner provided any explanation of how the UHF system in Endo could be modified by the cellular communication in Myr. For example, Endo teaches communicating between a human driver and a human traffic controller by transmitting analog signals over UHF. (Endo, FIG. 4, Col. 1, Ins. 44-67). Myr, on the other hand, teaches sending voice queries over a voice channel on a GSM cellular network to a GSM server, which then reroutes the queries to a WAP server. (Myr, FIG.

2, par. 0101). There is no apparent reason why one would use the GSM network to relay voice queries to a WAP server, as taught in Myr, in order to communicate with the human traffic controller in Endo.

Thus, there is no proper basis for combining the teachings of these two references. Moreover, as noted above, even if combined, the resulting system does not contain or render obvious all of the limitations of the claims, such as the use of a digital packet data communication from the vehicle to the call center. Accordingly, claims 5 and 8, as well as claims 1-3, 6, and 30-32 all patentably define over both Endo and Myr, whether considered singly or in combination.

Claims 7, 9-10, and 12-20

Because claims 7, 9-10, and 12-20 have been cancelled, the Applicant considers the rejection of these claims to be moot. It should, however, be recognized that the cancellation of these claims is without disclaimer of the subject matter thereof and without prejudice to the Applicant's right to later pursue the subject matter of those claims in this or another application.

New Claims 21-32

Newly added independent claim 21 recites *transmitting the digital signal to a remote computer-end recipient via a digital cellular packet data protocol*. This limitation is neither disclosed nor obvious in view of Myr. In particular, as discussed above, Myr does not teach or suggest transmitting a digital signal to a computer-end recipient via a digital cellular packet data protocol, but instead is limited to sending a voice queries from a cell phone to a GSM network server via a voice channel (Myr, FIG.2, par. 0101, lns. 16-18). Rather, Myr's teachings are limited to receiving navigation instructions, and not sending voice queries, via a TPC/IP protocol. (Myr, FIG. 2, par. 0101, lns. 35-37). Accordingly, claim 21 patentably defines over the cited prior art. Dependent claims 22-29 ultimately depend from claim 21 and, therefore, should also be allowed.

Some of the dependent claims contain additional limitations not taught or suggested by the prior art. For example, with regard to dependent claims 24 and 30, the applied prior art does not disclose *compressing a digital signal* prior to transmitting the signal *to reduce the amount of data transmitted* in data packets from the vehicle to the computer-end recipient. The Examiner cited Endo as disclosing a compressed digital signal. (Office Action dated 11/3/06, p. 4). Endo teaches compressing a signal to reduce the amount of time required to transmit a signal via UHF and not reducing the amount of data transmitted in data packets. Endo is concerned with transmitted an analog signal via UHF within a limited time while the vehicle passes through limited communication areas. To address this issue, Endo performs a time compression algorithm on frequency modulated voice signal. (Endo, FIGS. 8, 10; Col. 5, ln. 60 – Col. 6, ln 15). The time compression does not reduce the amount of data transferred, nor does Endo teach transferring the data in digital packets.

Moreover, even if Endo taught the limitation of dependent claims 24 and 30, a combination of Endo and Myr is improper for the reasons already discussed. Specifically, if Myr's voice transmission over a cellular voice channel were used instead of Endo's UHF transmission, then there would not be a need for the compression taught in Endo. Endo' time compression addresses the need to reduce the time needed to transmit a signal via UHF due to the limited communication areas the vehicle passes through. But modifying Endo to use the cellular communication taught in Myr would eliminate any need to reduce the time necessary to transfer the signal because cellular networks inherently maintain communication between the caller and the network as the vehicle moves between cellular towers. Therefore, because the prior art does not teach or suggest the limitations of the dependent claims 24 and 30, Applicant respectfully requests that claims 24 and 30 be allowed along with claims 25, 26, 31, and 32, which depend from claims 24 and 30.

In view of the foregoing, Applicants respectfully submit that all claims are allowable. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

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